

## MINUTES OF THE SELECT COMMITTEE ON CONTESTED ELECTIONS

The meeting was called to order by Chairman Mike O'Neal at 7:30 A.M. on January 31, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Gordon Self, Assistant Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Gordon Self provided the committee with a brief overview of the procedure of elections which are contested.

There are three levels of rules:

- Constitutional – under the Kansas Constitution, Article 2, Section 8, allows each house to be the judge of elections, returns, and qualifications of its own members.
- Statutory Procedures – provides the procedure to follow in a contested election.
- The appointment of a Select Committee to determine, after review of the facts, who the recommended winner should be and report to the full house.

He informed the committee that it had to file its final report with the House on February 9<sup>th</sup> and the House would have to take action on it by February 16, 2007.

Janet Jones, Chief Clerk of the House, brought the court file with her to the meeting and provided the following to the committee:

- A copy of the District Court Order in *Kriegshauser v. Rardin*. (Attachment 1)
- An inventory of the District Court Case exhibits, motions, and subpoenas. (Attachment 2).

She pointed out that none of the ballots in question were provided by the court or Mr. Newby. The Chairman directed Mrs. Jones to request those ballots be preserved and that she be made the custodian of them and also to make copies of the transcript for the committee and counsel.

Chairman O'Neal turned to committee's attention determining the rules in which the committee should follow.

1. The select committee shall consider the files, records and evidence transmitted from the court and shall hear the contestant and contestee and their respective counsel. All members shall have access to such files, records and evidence at such reasonable times as determined by the committee. The select committee shall have powers of compulsory process and laws applicable thereto shall apply, except that all hearings shall be open. The select committee shall consider each ballot issue that was raised by either contestant or contestee and shall make an individual determination and recommendation thereon.
2. The files, records and evidence transmitted from the district court shall remain in the custody of the Chief Clerk of the House of Representatives. Any member of the select committee may have access to such files, records and evidence by requesting an appointment between 8 a.m. and 5 p.m. on any legislative day and fixing a time for review by the member. After the select committee has reported to the full house of representative, any member of the House of Representatives may have access to such files, records and evidence by requesting an appointment between 8 a.m. and 5 p.m. on any legislative day fixing a time for review by the member. Such files, record and evidence may be reviewed subject to such reasonable limitations as may be necessary to protect the official records of the court.
3. The select committee shall report to the full house of representatives not later than 10 days after the committee's appointment. The report shall be so designated that a separate recommendation shall be made upon each ballot issue in dispute by either the contestant or contestee. Any ballot issue upon which no recommendation is adopted by a majority of the members of the select committee shall be identified and reported separately together with the recorded vote of each member of the committee

## CONTINUATION SHEET

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and the order of the court regarding the same.

4. No member of the select committee shall communicate with the contestant or contestee or the attorney for either party upon any matter under consideration by the committee except during the public hearing conducted by the committee.
5. Sealed ballots transmitted by the district court and remaining unopened by the court shall remain unopened until otherwise determined by the select committee.

Representative Hayzlett made the motion to adopt the proposed rules. Representative Vickrey seconded the motion. The motion carried.

The committee meeting adjourned at 8:30 a.m. The next meeting was scheduled for February 1, 2007 at 7:30 a.m.